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10/091,047	03/04/2002	Hugh H. Shieh	6541-62417	6514

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KLARQUIST SPARKMAN, LLP
121 S.W. SALMON STREET, SUITE 1600
ONE WORLD TRADE CENTER
PORTLAND, OR 97204

EXAMINER

GEE, JASON KAI YIN

ART UNIT	PAPER NUMBER
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2134

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/091,047

Applicant(s)

SHIEH, HUGH H.

Examiner

Jason K. Gee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/19/2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9 and 11-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9 and 11-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is response to communication: RCE filed on 03/19/2007.
2. Claims 1-4, 6-9, and 11-32 are currently pending in this application. Claims 1, 6, 11, 14, 17, and 23 are independent claims. Claims 5 and 10 have been cancelled.
3. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 03/19/2007.

Response to Arguments

4. Applicant's arguments filed 03/19/2007 have been fully considered but they are not persuasive.

5. Again, the Examiner thanks the applicant for submitting the Affidavit 1.132, and has carefully re-reviewed this submission along with the documents provided with the IDS. However, the documents provided do not provide sufficient proof to withdraw the Widegren application.

In the Affidavit 1.132 submitted by the applicant, the applicant, in number 8, declares that he discussed the invention and subject matter found in 9a and 9b to the applicants of the Widegren reference. In number 14, the applicant declares that this was described in the provisional of the Widegren reference, (Provisional Application No.

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60/273/678 filed in March 6, 2001), which was used to reject the applicant's current application. With these declarations, the applicant believes that the Widegren reference should be withdrawn, because he believes that the proper evidence has been shown that the ideas described in the March 6 Provisional was indeed his own ideas.

As already recited by the appellant, the requirements for a Rule 1.132 declaration in the MPEP requires "When the unclaimed subject matter of a patent, application publication, or other publication is applicant's own invention, a rejection, which is not a statutory bar, on that patent or publication may be removed by submission of evidence establishing the fact that the patentee, applicant of the published application, or author derived his or her knowledge of the relevant subject matter from applicant." However, a declaration by the applicant in the current Affidavit 1.132 that the ideas found in 9a. and 9b. were shared in an informal discussion is not sufficient proof.

The applicant has provided the minutes to the meeting during February 26-March 2, 2001. A lot of information is provided in these minutes, but these minutes do not clearly prove which company presented certain and specific ideas. From these minutes, it can be determined that a few of the applicants of the Widegren were suppose to be at the meeting, as long as the applicants of the current application. It can be seen in these minutes that applicants from the Widegren application along with applicants in the present application both presented ideas related to the invention at hand. However, the minutes are not definitive evidence that the Widegren applicants derived their ideas from Shieh, as it is shown that they both provided input toward the

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topics. The specific invention at hand (items from 9a. and 9b) cannot be positively attributed to only Shieh as the minutes are not specific enough to prove this.

In order for the applicants to overcome the Widegren application, the applicants will need to provide evidence that the elements in 9a and 9b were actually Shieh's ideas. As the Widegren applicants have documented these limitations in their March 6 provisional, Shieh would need to provide proof that these limitations were his own, that antedates the date of March 6. Declaring that these ideas were shared during an informal meeting is not enough. Documents need to be provided that proves Shieh actually has had these ideas prior to March 6.

If such documents can be retrieved, the Examiner will gladly consider other references outside the Widegren reference. But, until evidence is provided, the Examiner cannot throw out the reference. Thus, the Widegren reference still applies and is considered prior art. Also, even though the claims of the Widegren reference are now being amended, the Widegren reference still applies as the information is still provided in the specification of the provisional and also the application.

Further, it can be seen that Widegren already had other ideas concerning the invention prior to March 6. The provisional application 60/248,110, filed in November 13, 2000, already discussed some of the limitations, such as in claims 29-32. These can be seen in the art rejection below.

Claim Rejections - 35 USC § 102

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Widegren et al. US Patent Application Publication 2002/0120749 (hereinafter '749).

As per claim 1, '749 teaches media binding in a PDP (packet data protocol) context (paragraph 66). Binding information for one or more media flows of a session is taught in paragraphs 68 and 71. "Media binding information is created for each media data stream. The media binding information associates each media data stream in the session to one of the media packet access bearers and is used to provide session-based control of each of the media packet access bearers" (paragraph 68). Binding information includes an authorization token and one or more IP media flow identifiers: "media binding information for one of the media data streams includes a session identifier that identifies the session and a media data stream identifier corresponding to the one media data stream" (paragraph 68). Paragraph 122 indicates that the session identifier is an authorization token. '749 is directed toward IP media flows and

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identifiers, as paragraph 3 indicates so as well as Figure 1. Transmitting this information can be seen in Figure 1.

As per claims 2 and 7, paragraph '71 teaches "In one example, the session identifier is included in session authorization signaling, and the media flow identifier for the corresponding media flow is added to the session identifier to generate the media binding information for that media flow." As already indicated in the rejection for claim 1, paragraph 122 indicates that the session identifier is an authorization token.

As per claims 3 and 8, the use of SIP and using SDP for referencing is taught in paragraph 70. User equipment is taught in paragraph 110 along with a P-CSCF/PCF, which uses SIP protocol.

As per claim 4, paragraph 61 teaches a PDP context activation request and a PDP context modification request.

As per claims 5 and 10, it is inherent that there is a computer readable medium, as the system described in '749 utilizes a computer, and a computer or apparatus that performs such methods will comprise of a computer readable medium.

Independent claim 6 is rejected using the same basis of arguments used to reject claim 1. This happens in a network node, as indicated in paragraph 71. Receiving binding information is taught throughout the reference (seen in Figure 20). The binding information includes an authorization token and one or more IP media flow identifiers, as indicated in the rejection for claim 1. Interpreting each of one or more IP media flow identifiers relative to the authorization token is also seen in Figure 20, and also taught throughout the reference, as can be seen in paragraphs 68-72, as the media flow

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identifiers and the authorization token are associated with each other, and as can be seen in the rejection for claim 2.

As per claims 9 and 16, paragraphs 64, 65, and 67 teach policy rules that authorize media flow. Paragraph 67 also teaches that this can use a server-based local policy decision.

As per independent claim 11, the method of requesting resource authorization and allocation is taught in '749. Resources are allocated as media is flowing. Receiving a media authorization token is taught in paragraph 193. Paragraph 111 and 113 teaches the transmittal of a context activation request. This requests include media binding information. As found in the rejection for claim 1, this media binding information includes an authorization token in combination with a media flow identifier. Paragraph 113 indicates that this information is sufficient to uniquely identify media flows from among plural media flows of the session: "The media binding information is used by the ... to uniquely identify, monitor, and control the IP media flows and bearers from the session level" (paragraph 113). There are a plurality of media flow identifiers as each identifier "uniquely" identifies media flows. As rejected in claim 5 above, it is inherent that this system comprises a computer-readable medium. Transmitting and receiving information can be seen in Figures 1 and 2.

As per claim 12, '749 teaches in paragraph 121 that a media flow identifier reference a flow order in a session description (SDP is a session description). Paragraph 190 teaches a gateway node referred to as a "gate keeper" that authorizes

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media flows according to policy decisions. Service-based local policy decisions are taught in paragraph 67.

As per claim 13, paragraph 120 teaches a second media authorization token. As is taught in this paragraph, this token is combined with the media stream: "Because both entities use the same procedure, both generate the same media stream identifier for each stream. The complete media binding information is the combination of the session token and the media stream identifier." As is taught in paragraph 67, these requests can be modification requests, in which binding information is attached to.

As per independent claim 14, a computer-readable medium having executable instructions for authorizing and allocating resources is already rejected in claim 11. A network node is rejected using the same arguments used to reject claim 6. Receiving a context request including a media authorization token for authorizing each of one or more media flows of a session, wherein the media authorization token in combination with a media flow identifier from among plural media flow identifiers is sufficient to uniquely identify a media flow from among plural media flows of the session is already rejected in claim 11 as well. Although claim 11 teaches transmitting this information, this information will need to be received in some manner, and paragraphs 111 and 113 teach receiving the information request as well. Paragraph 106 teaches requesting policy information indicated by the media authorization token: "In addition, the media binding information is used to retrieve session, media, and policy-related information from the multimedia system." It is discussed earlier that the media binding information includes the authorization token. Plural media flow identifiers are rejected in claim 11.

As per claim 15, '749 teaches in paragraph 121 that a media flow identifier reference a flow order in a session description (SDP is a session description).

As per independent claim 17, a computer-readable medium having encoded therein computer-executable instructions for causing user equipment programmed thereby to perform a method of requesting resource authorization and allocation for one or more packet media flows of a session is already rejected in the rejection for claim 11. Receiving an authorization token and packet media flow information is already rejected in the rejection for claim 1 and 11 above, and paragraph 68 indicates that this is performed during session signaling. Transmitting one or more messages including binding information for authorizing one or more packet media flows of a session, wherein the binding information includes the authorization token, is already rejected in the rejection for claim 1 and 11. Paragraph 120 indicates that one or more packet media flow identifiers is interpreted relative to the authorization token to identify a packet media flow of the session. The media stream described in 120 is a packet media flow, as the transfer of data is done through packets throughout the whole reference. Receiving and transmitting all this information is also shown in Figures 1 and 2. Binding information including one or more packet media flow identifiers is already rejected in claim 1. One or more packet media flows is taught throughout the '749 reference, as multiple media flows are taught in a session.

As per claim 18, paragraphs 28 indicates that the user equipment may be a cellular device. Paragraph 20 teaches a GGSN, and paragraph 61 teaches a PDP context activation request and a PDP context modification request.

As per claim 19, '749 is directed toward IP media flows, as paragraph 3 and Figure 1 indicate the system utilizing Internet Protocol.

As per claim 20, paragraphs 63 and 70 teaches SDP, in which it comprises the packet media flow information. Paragraph 70 states "In other words, the media binding information may be included in the SDP information for the multimedia session."

Paragraph 121 indicates the media stream identifier may include the order in the SDP description.

As per claim 21, SIP is taught in paragraph 63. Paragraphs 185 and 186 teach that the authorization token is created by the PCF, and stored in the P-CSCF. This indicates that the PCF is working along with the P-CSCF, and is therefore part of it.

As per claim 22, paragraph 21 indicates that a single message can be used to request resource authorization and allocation for all packet media flows of the session. Paragraph 21 cites "One or more application flows may be established over a single PDP context through negotiations with the GGSN." As can be seen, a single context can initiate media flow, which consists of resource authorization and allocation. Resource authorization and allocation is rejected in claim 11.

Independent claim 23 is rejected using the same basis of arguments used to reject claim 17. Transmitting information and data can be seen in Figures 1 and 2. Also, after information and data is received, it is processed as User B in Figure 1 needs to understand the information. Throughout the whole reference in '749, the interactions between user A and B can be seen, as information and data is being transferred and processed between the two. Receiving a message including binding information for

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authorizing one or more packet media flows of a session , wherein the binding information includes an authorization token and one or more packet media flow identifiers is already rejected in claim 6. One or more packet media flows of a session has been rejected in the previous rejections.

Claim 24 is rejected using the same basis of arguments for claim 18 and 19.

Claim 25 is rejected using the same basis of arguments used to reject claim 20.

Claim 26 is rejected using the same basis of arguments used to reject claim 21.

Claim 27 is rejected using the same basis of arguments used to reject claim 22.

As per claim 28, paragraph 106 teaches requesting policy information indicated by the media authorization token: "In addition, the media binding information is used to retrieve session, media, and policy-related information from the multimedia system." It is discussed earlier that the media binding information includes the authorization token.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over '749 as applied above, and in view of the '749 Provisional Application No. 60/248,110 (hereinafter '110, also provided in the Applicant's IDS).

Claims 29-32 are rejected, as the '110 provisional cites "The UE decides which PDP context to use to submit the token. For the sake of simplicity, only one token (corresponding to one SDP flow) is used per PDP context activation/modification.

At the time of the invention, it would have been obvious to combine the teachings of '110 with '749. '749 cites that '110 has been incorporated with the reference as '110 is a provisional of '749.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason K. Gee whose telephone number is (571) 272-6431. The examiner can normally be reached on M-F, 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Jason Gee
Patent Examiner
Technology Center 2134
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KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER